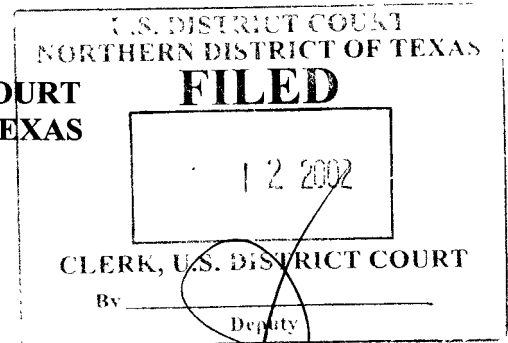


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ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION



SABRE, INC.,

Plaintiff,

v.

AIR CANADA, INC.,

Defendant.

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Civil Action No. 3: 02CV2016-L

**DEFENDANT'S EMERGENCY MOTION FOR CONTINUANCE TO RESPOND  
TO PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

Defendant, Air Canada, hereby files this emergency motion for a continuance to respond to Plaintiff's Motion for Partial Summary Judgment.

Currently pending before the Court is Air Canada's Motion to Dismiss for Forum Non Conveniens, or, in the Alternative, to Stay on Grounds of International Abstention ("Motion to Dismiss"). On November 1, 2002, Air Canada's Motion to Dismiss was referred to Magistrate Judge Jeff Kaplan pursuant to 28 U.S.C. § 636(b). On November 5, 2002, Plaintiff, Sabre, Inc. ("Sabre") filed its Motion for Partial Summary Judgment in this action ("Motion for P.S.J.").


As explained in the accompanying Brief in support of this Motion, Sabre's Motion for P.S.J. is procedural gamesmanship to get this Court to prematurely reach the merits of this case. It is an attempt to circumvent proper adjudication of Air Canada's Motion to Dismiss.

WHEREFORE, Air Canada respectfully requests this Court enter an order continuing this matter; grant Air Canada twenty (20) days from the date of disposition of Air Canada's Motion to Dismiss to respond to Sabre's Motion for P.S.J.; and for all other and further relief as this Court may deem just and appropriate.

**DEFENDANT'S EMERGENCY MOTION FOR CONTINUANCE TO  
RESPOND TO PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

DATED: November 11, 2002.

Respectfully submitted,

  
Stephen D. Susman (S.B.N. 19521000)  
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Telephone: (713) 651-9366  
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ATTORNEYS FOR DEFENDANT, AIR CANADA

**CERTIFICATE OF CONFERENCE**

Air Canada's Emergency Motion for Continuance to Respond to Plaintiff's Motion for Partial Summary Judgment is opposed by Sabre. On November 11, 2002, Harry P. Susman, counsel for Air Canada, conferred by telephone with Darren L. McCarty, counsel for Sabre. Counsel were unable to reach agreement on extending Air Canada's time to respond to Plaintiff's Motion for Partial Summary Judgment.

  
Harry P. Susman

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing instrument has been served by facsimile on the following counsel of record, this 12<sup>th</sup> day of November, 2002, as indicated below:

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